

because it has been falsely made or manufactured in its entirety;

(2) the term “forged” means a document that purports to be genuine but is not because it has been falsely altered, completed, signed, or endorsed, or contains a false addition thereto or insertion therein, or is a combination of parts of two or more genuine documents;

(3) the term “security” means—

(A) a note, stock certificate, treasury stock certificate, bond, treasury bond, debenture, certificate of deposit, interest coupon, bill, check, draft, warrant, debit instrument as defined in section 916(c)<sup>2</sup> of the Electronic Fund Transfer Act, money order, traveler’s check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest in or participation in any profit-sharing agreement, collateral-trust certificate, pre-reorganization certificate of subscription, transferable share, investment contract, voting trust certificate, or certificate of interest in tangible or intangible property;

(B) an instrument evidencing ownership of goods, wares, or merchandise;

(C) any other written instrument commonly known as a security;

(D) a certificate of interest in, certificate of participation in, certificate for, receipt for, or warrant or option or other right to subscribe to or purchase, any of the foregoing; or

(E) a blank form of any of the foregoing;

(4) the term “organization” means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union, or any other association of persons which operates in or the activities of which affect interstate or foreign commerce; and

(5) the term “State” includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.

(Added Pub. L. 98–473, title II, §1105(a), Oct. 12, 1984, 98 Stat. 2144, §511; renumbered §513, Pub. L. 99–646, §31(a), Nov. 10, 1986, 100 Stat. 3598; amended Pub. L. 101–647, title XXXV, §3515, Nov. 29, 1990, 104 Stat. 4923; Pub. L. 103–322, title XXXIII, §§330008(1), 330016(2)(C), Sept. 13, 1994, 108 Stat. 2142, 2148.)

#### REFERENCES IN TEXT

Section 916 of the Electronic Fund Transfer Act, referred to in subsec. (c)(3)(A), was renumbered section 917 by Pub. L. 111–24, title IV, §401(1), May 22, 2009, 123 Stat. 1751, and is classified to section 1693n of Title 15, Commerce and Trade.

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103–322, §330016(2)(C), which directed the amendment of this section by substituting “under this title” for “of not more than \$250,000”, was executed by making the substitution for “not more than \$250,000”, to reflect the probable intent of Congress.

<sup>2</sup> See References in Text note below.

Subsec. (b). Pub. L. 103–322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$250,000”.

Subsec. (c)(4). Pub. L. 103–322, §330008(1), substituted “association of persons” for “association or persons”.

1990—Subsec. (c)(3)(A). Pub. L. 101–647 struck out “(15 U.S.C. 1693(c))” after “Electronic Fund Transfer Act” and inserted comma after “profit-sharing agreement”.

#### § 514. Fictitious obligations

(a) Whoever, with the intent to defraud—

(1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;

(2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the same, or with like intent possesses, within the United States; or

(3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States,

any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

(b) For purposes of this section, any term used in this section that is defined in section 513(c) has the same meaning given such term in section 513(c).

(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.

(Added Pub. L. 104–208, div. A, title I, §101(f) [title VI, §648(b)(1)], title II, §2603(b)(1), Sept. 30, 1996, 110 Stat. 3009–314, 3009–367, 3009–470.)

#### CODIFICATION

Sections 101(f) [title VI, §648(b)(1)] and 2603(b)(1) of div. A of Pub. L. 104–208 added identical sections 514.

#### EFFECTIVE DATE

Section effective Sept. 30, 1996, and to remain in effect for each fiscal year following Sept. 30, 1996, see section 101(f) [title VI, §648(c)] of Pub. L. 104–208, set out as an Effective Date of 1996 Amendment note under section 474 of this title.

#### TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### CHAPTER 26—CRIMINAL STREET GANGS

Sec. 521. Criminal street gangs.

#### AMENDMENTS

1996—Pub. L. 104–294, title VI, §604(a)(2), Oct. 11, 1996, 110 Stat. 3506, added chapter analysis.

**§ 521. Criminal street gangs**

(a) DEFINITIONS.—

“conviction” includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.

“criminal street gang” means an ongoing group, club, organization, or association of 5 or more persons—

(A) that has as 1 of its primary purposes the commission of 1 or more of the criminal offenses described in subsection (c);

(B) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (c); and

(C) the activities of which affect interstate or foreign commerce.

“State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) PENALTY.—The sentence of a person convicted of an offense described in subsection (c) shall be increased by up to 10 years if the offense is committed under the circumstances described in subsection (d).

(c) OFFENSES.—The offenses described in this section are—

(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years;

(2) a Federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another; and

(3) a conspiracy to commit an offense described in paragraph (1) or (2).

(d) CIRCUMSTANCES.—The circumstances described in this section are that the offense described in subsection (c) was committed by a person who—

(1) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);

(2) intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; and

(3) has been convicted within the past 5 years for—

(A) an offense described in subsection (c);

(B) a State offense—

(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years’ imprisonment; or

(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense; or

(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

(Added Pub. L. 103-322, title XV, §150001(a), Sept. 13, 1994, 108 Stat. 2034; amended Pub. L. 104-294, title VI, §607(q), Oct. 11, 1996, 110 Stat. 3513; Pub. L. 107-273, div. B, title IV, §4002(b)(3), Nov. 2, 2002, 116 Stat. 1807.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273 realigned margins of par. defining “State”.

1996—Subsec. (a). Pub. L. 104-294 inserted par. defining “State” at end.

**CHAPTER 27—CUSTOMS**

- Sec. 541. Entry of goods falsely classified.
- 542. Entry of goods by means of false statements.
- 543. Entry of goods for less than legal duty.
- 544. Relanding of goods.
- 545. Smuggling goods into the United States.
- 546. Smuggling goods into foreign countries.
- 547. Depositing goods in buildings on boundaries.
- 548. Removing or repacking goods in warehouses.
- 549. Removing goods from customs custody; breaking seals.
- 550. False claim for refund of duties.
- 551. Concealing or destroying invoices or other papers.
- 552. Officers aiding importation of obscene or treasonous books and articles.
- 553. Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft.
- 554. Smuggling goods from the United States.
- 555. Border tunnels and passages.

AMENDMENTS

2007—Pub. L. 110-161, div. E, title V, §553(a)(2), Dec. 26, 2007, 121 Stat. 2082, added item 555 and struck out item 554 “Border tunnels and passages”.

2006—Pub. L. 109-295, title V, §551(b), Oct. 4, 2006, 120 Stat. 1390, added item 554 “Border tunnels and passages”.

Pub. L. 109-177, title III, §311(b), Mar. 9, 2006, 120 Stat. 242, added item 554 “Smuggling goods from the United States”.

1984—Pub. L. 98-547, title III, §301(b), Oct. 25, 1984, 98 Stat. 2771, added item 553.

**§ 541. Entry of goods falsely classified**

Whoever knowingly effects any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification as to quality or value, or by the payment of less than the amount of duty legally due, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 715; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §126 (Mar. 4, 1909, ch. 321, §69, 35 Stat. 1101).

Reference to persons aiding, contained in words “or aid in effecting,” was omitted as unnecessary as such persons are made principals by section 2 of this title.

Changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.